

**EXHIBIT 9**  
**REDACTED VERSION**  
**OF DOCUMENT FILED**  
**UNDER SEAL**

1 UNITED STATES DISTRICT COURT  
2 NORTHERN DISTRICT OF CALIFORNIA  
3 SAN FRANCISCO DIVISION  
4 Case No. 17-cv-00939-WHA

5 -----x  
6 WAYMO LLC,  
7 Plaintiff,  
8 - against -  
9 UBER TECHNOLOGIES, INC.; OTTOMOTTO, LLC;  
10 OTTO TRUCKING LLC,  
11 Defendants.  
12 -----x

13  
14 HIGHLY CONFIDENTIAL - ATTORNEYS' EYES ONLY  
15

16 Videotaped 30(b)(6) Deposition  
17 of GARY BROWN, taken by Defendants, held  
18 at the offices of Morrison & Foerster LLP,  
250 West 55th Street, at 9:59 a.m. on August  
19 8, 2017, New York, New York, before Jineen  
Pavesi, a Registered Professional Reporter,  
20 Registered Merit Reporter, Certified Realtime  
Reporter and Notary Public of the State of New York.

21  
22  
23  
24 Job No. 2671217A  
25 Pages 1 - 305

1 correct? 12:13:05PM  
2 A. You would have to ask Kristinn 12:13:06PM  
3 that. 12:13:09PM  
4 Q. Does Waymo know who gave 12:13:09PM  
5 Mr. Gudjonsson the laptops? 12:13:14PM  
6 A. Presumably either [REDACTED] or 12:13:18PM  
7 [REDACTED] had delivered it. 12:13:26PM  
8 Q. But you don't know -- strike 12:13:28PM  
9 that. 12:13:30PM  
10 Waymo does not know if it was 12:13:30PM  
11 [REDACTED] or [REDACTED] who gave Gudjonsson the 12:13:32PM  
12 laptops? 12:13:36PM  
13 A. No. 12:13:37PM  
14 Q. I would like to direct your 12:13:45PM  
15 attention to 29419, the next page, listed 12:13:46PM  
16 under CAMP devices, you see the second 12:13:52PM  
17 bullet point, Asset No. 1028251, do you 12:13:55PM  
18 see that? 12:14:00PM  
19 A. I do. 12:14:00PM  
20 Q. And that asset being listed 12:14:02PM  
21 there is a Hewlett-Packard workstation, 12:14:05PM  
22 correct? 12:14:08PM  
23 A. Yes. 12:14:09PM  
24 Q. And that workstation was issued 12:14:10PM  
25 to Mr. Levandowski on November 7, 2012, 12:14:12PM

1 correct? 12:14:17PM

2 A. That seems accurate. 12:14:17PM

3 Q. And it was returned on February 12:14:19PM

4 9, 2016, is that correct? 12:14:24PM

5 A. That means it was collected and 12:14:28PM

6 brought back by the inventory people on 12:14:30PM

7 February 9, 2016, yes. 12:14:33PM

8 Q. And then approximately 15 days 12:14:36PM

9 later, on February 24, 2016, that 12:14:41PM

10 workstation was reallocated to an 12:14:44PM

11 individual named [REDACTED] is that 12:14:48PM

12 correct? 12:14:51PM

13 A. That's what this says. 12:14:51PM

14 Q. And Waymo performed no forensic 12:14:53PM

15 investigation into the workstation 12:14:56PM

16 assigned to Mr. Levandowski for an over 12:14:59PM

17 three-year period during his employment at 12:15:03PM

18 Waymo, is that correct? 12:15:06PM

19 MR. BAKER: Objection to form. 12:15:07PM

20 A. When an employee is terminated, 12:15:09PM

21 tickets are generated for inventory 12:15:12PM

22 management individuals to collect their 12:15:15PM

23 assets, check if that individual is 12:15:18PM

24 currently on a hold that would forbid 12:15:25PM

25 reimage, and then the asset is either 12:15:30PM

1 retired or refurbished and redeployed if 12:15:37PM  
2 deemed still within its life span. 12:15:44PM  
3 Q. Waymo performed no forensic 12:15:51PM  
4 investigation into the Hewlett-Packard 12:15:52PM  
5 workstation assigned to Mr. Levandowski 12:15:55PM  
6 for an over three-year period during his 12:15:58PM  
7 employment at Waymo, is that correct? 12:16:00PM  
8 MR. BAKER: Objection to form. 12:16:02PM  
9 A. That is correct. 12:16:07PM  
10 Q. The Hewlett-Packard workstation 12:16:11PM  
11 assigned to Mr. Levandowski from 2012 to 12:16:13PM  
12 2016 is a computer -- is it a desktop 12:16:19PM  
13 computer? 12:16:26PM  
14 A. It appears to be, yes. 12:16:27PM  
15 Q. And that would have existed in 12:16:28PM  
16 his office at Waymo, right? 12:16:31PM  
17 A. Presumably. 12:16:34PM  
18 Q. And it would have been 12:16:35PM  
19 something he used in the three-and-a-half 12:16:36PM  
20 year period that it was assigned to him in 12:16:40PM  
21 his office at Waymo, correct? 12:16:43PM  
22 MR. BAKER: Objection to form. 12:16:44PM  
23 A. Possibly, but not necessarily. 12:16:46PM  
24 Q. But you don't know one way or 12:16:51PM  
25 the other if he used it? 12:16:52PM

1	A.	No.	12:16:53PM
2	Q.	And nobody asked you to	12:16:54PM
3		inquire, to conduct a forensic review of	12:16:58PM
4		that device to determine if he did	12:17:00PM
5		anything improper with it, correct?	12:17:07PM
6	A.	That is correct, but with the	12:17:13PM
7		caveat that the lack of analysis of	12:17:17PM
8		another machine does not wash away the	12:17:22PM
9		wrongdoings on another machine, that's no	12:17:25PM
10		indication of not doing something.	12:17:28PM
11	Q.	In order to determine the full	12:17:35PM
12		scope of potential wrongdoing, in your	12:17:39PM
13		opinion should Waymo have conducted a	12:17:43PM
14		forensic investigation of the	12:17:46PM
15		Hewlett-Packard workstation?	12:17:47PM
16		MR. BAKER: Objection to form.	12:17:49PM
17	A.	All feasible rocks should be	12:17:57PM
18		turned over, but there have been multiple	12:18:02PM
19		occurrences where inventory management	12:18:07PM
20		personnel reimaged devices before forensic	12:18:12PM
21		analysis could take place.	12:18:18PM
22	Q.	And in your opinion, one	12:18:22PM
23		feasible rock that should have been turned	12:18:29PM
24		over was a review of the Hewlett-Packard	12:18:30PM
25		workstation assigned to Mr. Levandowski,	12:18:34PM

1 is that correct? 12:18:37PM

2 MR. BAKER: Objection to form. 12:18:37PM

3 A. As a forensic analyst, the more 12:18:42PM

4 information, the better. 12:18:44PM

5 But as I said before, it 12:18:47PM

6 doesn't undo other indicators that were 12:18:50PM

7 positively found. 12:18:55PM

8 Q. As a forensic analyst, wouldn't 12:19:02PM

9 you want to know if the card reader was 12:19:07PM

10 attached to the workstation? 12:19:09PM

11 MR. BAKER: Objection to form. 12:19:11PM

12 A. Yes. 12:19:18PM

13 Q. But you don't know the answer 12:19:19PM

14 to that question, right? 12:19:21PM

15 A. Not currently. 12:19:24PM

16 Q. Waymo would never know the 12:19:26PM

17 answer to that question, correct? 12:19:29PM

18 MR. BAKER: Objection to form. 12:19:31PM

19 A. That's uncertain. 12:19:43PM

20 Q. Why is that uncertain? 12:19:45PM

21 A. Depending on retention and host 12:19:50PM

22 monitoring agents, it could potentially be 12:20:00PM

23 determined whether some classes of USB 12:20:08PM

24 devices were connected to these machines, 12:20:12PM

25 but I also would not feel comfortable 12:20:16PM

1 saying that an absence of this evidence 12:20:19PM  
2 means that it didn't happen. 12:20:22PM  
3 Q. But you don't know one way or 12:20:25PM  
4 the other if it happened? 12:20:27PM  
5 A. As I sit here today, no. 12:20:28PM  
6 MR. BAKER: Objection to form. 12:20:29PM  
7 Q. Sorry, I didn't catch your 12:20:30PM  
8 answer to that question. 12:20:31PM  
9 A. As I sit here right now, no. 12:20:32PM  
10 Q. And Waymo doesn't know one way 12:20:35PM  
11 or the other if a card reader was attached 12:20:37PM  
12 to the workstation, correct? 12:20:40PM  
13 MR. BAKER: Same objection. 12:20:42PM  
14 A. No. 12:20:43PM  
15 Q. Has Waymo attempted to conduct 12:20:56PM  
16 any forensic investigation into the 12:20:58PM  
17 Hewlett-Packard workstation since it was 12:21:00PM  
18 reassigned to [REDACTED]? 12:21:04PM  
19 A. I don't believe so. 12:21:13PM  
20 Q. So -- 12:21:18PM  
21 A. And also, so these machines are 12:21:19PM  
22 full disk encrypted, that is to say, as 12:21:24PM  
23 they are reimaged and redeployed there is 12:21:26PM  
24 no evidence left on the hard drive, much 12:21:31PM  
25 like when you take your Windows laptop and 12:21:33PM

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN FRANCISCO DIVISION

WAYMO LLC, )  
Plaintiff, )  
vs. ) Case No.  
UBER TECHNOLOGIES, INC.; ) 3:17-cv-000939-WHA  
OTTOMOTTO LLC; OTTO TRUCKING, )  
INC., )  
Defendants. )  
\_\_\_\_\_)

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VIDEOTAPED DEPOSITION OF KRISTINN GUDJONSSON  
Palo Alto, California  
Friday, July 28, 2017  
Volume I

Reported by:  
CARLA SOARES  
CSR No. 5908  
JOB No. 2665814  
  
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1 today, you are not aware of any evidence that 15:29:57

2 Mr. Levandowski copied files off the computer before

3 it was reimaged?

4 MR. BAKER: Objection to form.

5 THE WITNESS: I can only tell you what's 15:30:06

6 in the declaration here, what we see here.

7 BY MR. TAKASHIMA:

8 Q To your knowledge, has there been any

9 investigation of Mr. Levandowski's e-mail account at

10 Google? 15:30:53

11 A I'm not sure.

12 Q To your knowledge, has anybody connected

13 with an investigation reviewed the contents of

14 Mr. Levandowski's e-mail account at Google?

15 A I'm not sure. 15:31:05

16 Q Who would know?

17 A Lawyers.

18 Q Would anybody else in digital forensics

19 know?

20 A Potentially, but probably not. It 15:31:22

21 probably would have been me if that check was made.

22 Q Have you conducted -- been involved in any

23 review of Mr. Levandowski's workstation from Google?

24 A The workstation, no.

25 Q Has anybody else from digital forensics 15:31:42

1 conducted that investigation? 15:31:44

2 A No.

3 Q Has anybody looked at Mr. Levandowski's

4 workstation?

5 A Not to my knowledge. 15:31:49

6 Q Has the workstation been preserved?

7 A Not to my knowledge.

8 Q Okay. Has it been deleted?

9 A I'm not sure. I would have to go check.

10 Q Did you ever discuss with anybody 15:32:07

11 investigating Mr. Levandowski's workstation?

12 MR. BAKER: Again, I just want to caution

13 the witness not to disclose any communications that

14 he's had with attorneys.

15 If you have a question, we can go outside. 15:32:22

16 MR. TAKASHIMA: Do you want to take a

17 break?

18 THE WITNESS: Yes. Let's do that.

19 THE VIDEO OPERATOR: We are now going off

20 the record, and the time is 3:32. 15:32:31

21 (Recess, 3:32 p.m. - 3:39 p.m.)

22 THE VIDEO OPERATOR: We're now going back

23 on the record, and the time is 3:39.

24 BY MR. TAKASHIMA:

25 Q Did you ever discuss with anybody whether 15:39:05